

SEP. 26. 2002 12:18PM

WALKER & SAKO LLP 408 977 0174

#3/Election/Response
NO 45E 9.28.02
C. Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ramkumar, Krishnaswamy

Serial No.: 10/054,515

Filed: October 22, 2001

Title: Method of Manufacturing a Top
Insulating Layer for a SONOS-Type
Device

Attorney Docket No.: CY-0025

Group Art Unit: 2829

Examiner: Kilday, Lisa A.

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following is submitted in response to the Office Action dated August 27, 2002, and is currently due September 27, 2002.

REMARKS

FAX COPY RECEIVED

SEP 26 2002

Election of Species

TECHNOLOGY CENTER 2800

Provisional Election with Traverse.

Applicant provisionally elects the species of FIGS. 1 and 2 with traverse. Further, claims 1-7, 12-20 are provisionally identified as readable upon this species.

As is well understood, restriction is proper only when (1) the restricted inventions are independent or patentably distinct, and (2) when there is a serious burden on the Examiner (MPEP 803). The burden is on the Examiner to provide reasons and/or examples in support of

37 C.F.R. §1.8

I hereby certify that this correspondence is being

[X] transmitted via facsimile to the United States Patent and Trademark Office to fax number: 1-703-872-9318
Date of Transmittal: September 26, 2002

[] deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: _____

Typed/Printed Name: Bradley T. Sako

Signature: [Signature]